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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/265,493	03/09/1999	DAVID C. TANNENBAUM	MSFT-1167	4578

41505 7590 07/18/2007  
WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)  
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PHILADELPHIA, PA 19104-2891

EXAMINER
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BRIER, JEFFERY A

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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07/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/265,493	<b>Applicant(s)</b> TANNENBAUM, DAVID C.	
	<b>Examiner</b> Jeffery A. Brier	<b>Art Unit</b> 2628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 May 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/15/2007 has been entered.

### ***Response to Amendment***

2. The amendment filed on 3/16/2007 has been entered.

### ***Response to Arguments***

3. Applicant's arguments filed 3/16/2007 have been fully considered but they are not persuasive because the claims are broader than argued since the claims cover any parameter including the parameters that selects textures such as the parameter that selects brick wall texture 50 and the parameter that selects paint texture 50, see Lauzon at column 4 lines 50-58, or including the parameters that selects the texture map, see Lathrop mip map selection 28. Applicant needs to clarify in the claim the claimed parameters. Therefore, the previous rejection could be maintained, however, in view of indefinite issues the art rejection will be reserved for later consideration when the claims have been clarified by appropriate claim amendments.

***Specification***

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The limitation found in claims 6, 12, and 16 “a surface normal vector” is not found in the specification, refer to applicants specification at page 12 last line to page 13 line 4. Applicant may be able to add “a surface normal vector” to the list of per-primitive parameters listed at page 12 last line to page 13 line 4.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1:

The parameters included in the claim that defines a pixel value is unclear since a value that selects a texture is a parameter that defines a pixel. Applicant needs to clarify in the claim the claimed parameter.

The substituting step claims “in place of a values produced from an algorithm” is unclear since the texture value is being substituted for a value that is used in the lighting equation rather than a result of the lighting equation. Additionally this step is unclear because it claims to use one “texture value” for “selected parameters” while the

specification describes a texture value for each selected parameter. Applicant needs to clarify in the claim the claimed substitution.

The determining a texture value step is unclear since in its second line "the texture value for selected parameters" is claimed which is unclear since each parameter has a corresponding texture value.

Thus, the metes and bounds of the claim is unclear.

Claim 8:

At line 2 this claim refers to a method but does not identify the method when the claim claims "the method of further".

Claim 9:

This claim is unclear since the lighting equation is not being used to determine the pixel value of parent claim 1.

Claims 2-9:

The dependent claims of claim 1 do not correct the indefinite issues of claim 1.

Claim 10:

The parameters included in the claim that defines a pixel value is unclear since a value that selects a texture is a parameter that defines a pixel. Applicant needs to clarify in the claim the claimed parameter.

At line 6 "a" does not clearly describe "selected parameters" as singular or plural. At lines 6-7 a "selected parameter" is claimed to correspond to "set of selected texture maps", however, one selected parameter would only correspond to one texture map.

map. Applicant needs to clarify in the claim the number of selected parameters and the number of corresponding texture maps.

Thus, the metes and bounds of the claim is unclear.

Claim 14:

This claim is unclear since the lighting equation is not being used to determine the pixel value of parent claim 10.

Claims 11-14:

The dependent claims of claim 10 do not correct the indefinite issues of claim 10.

Claim 15:

This claim is a means plus function version of method claim 1.

The parameters included in the claim that defines a pixel value is unclear since a value that selects a texture is a parameter that defines a pixel. Applicant needs to clarify in the claim the claimed parameter.

At line 13 this claim does not clearly claim a means. This substituting step claims "in place of a values produced from an algorithm" is unclear since the texture value is being substituted for a value that is used in the lighting equation rather than a result of the lighting equation. Additionally this step is unclear because it claims to use one "texture value" for "selected parameters" while the specification describes a texture value for each selected parameter. Applicant needs to clarify in the claim the claimed substitution.

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The means for determining a texture value is unclear since in its second line "the texture value for selected parameters" is claimed which is unclear since each parameter has a corresponding texture value.

Thus, the metes and bounds of the claim is unclear.

Claim 18:

This claim is unclear since the lighting equation is not being used to determine the pixel value of parent claim 15.

Claims 16-20:

The dependent claims of claim 15 do not correct the indefinite issues of claim 15.

7. A proper prior art analysis of the claims cannot be made because the metes and bounds of the claims are not definite and because the specification does not clarify the claims. Thus, a prior art rejection or an indication of allowability cannot be made with the currently pending claims. In re Steele, 305 F.2d 859, 134 USPQ 292 (CCPA 1962) (it is improper to rely on speculative assumptions regarding the meaning of a claim and then base a rejection under 35 U.S.C. 103 on these assumptions).

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Peercy et al, US Patent No., 5,880,736, teaches at column 13 lines 23-40 and at column 23 lines 20-36 using a texture map to obtain the N values for use in a lighting equation.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A Brier whose telephone number is (571) 272-7656. The examiner can normally be reached on M-F from 7:30 to 4:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (571) 272-7664. The fax phone Number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jeffery A. Brier/  
Primary Examiner, Division 2628